

tionment, the counties of Hockley and Lynn; to No. 4, Titus; to No. 28, Edwards and Pecos. Also, in the part of the bill apportioning the State into representative districts, substitute for No. 52 No. 51, and change the numbers of the districts following accordingly.

Senator Gooch offered the following amendment to the amendment of Senator Patton: Amend by changing the other parts of the bill to conform thereto. Accepted, and amendment, as amended, adopted by the following vote:

YEAS—25.

| | | |
|------------|------------|------------|
| Brown, | Lair, | Ross, |
| Buchanan, | Lightfoot, | Shannon, |
| Burton, | Martin, | Stewart, |
| Davenport, | McLane, | Swain, |
| Davis, | McDonald, | Terrell, |
| Gooch, | Moore, | Tilson, |
| Harris, | Patton, | Wetherred, |
| Hightower, | Rainey, | Wynne. |
| Houston, | | |

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—20.

| | | |
|------------|-----------|------------|
| Brown, | Martin, | Stubbs, |
| Buchanan, | McDonald, | Swain, |
| Davenport, | Moore, | Terrell, |
| Gooch, | Patton, | Tilson, |
| Hightower, | Rainey, | Wetherred, |
| Lair, | Ross, | Wynne. |
| Lightfoot, | Stewart, | |

NAYS—0.

| | | |
|---------|----------|----------|
| Burton, | Harris, | McLane, |
| Davis, | Houston, | Shannon. |

The following message was received from his Excellency, the Governor:

EXECUTIVE OFFICE,
AUSTIN, April 19, 1882.

To the Honorable Senate and House of Representatives in the Legislature assembled:

In my message of the fifteenth instant I recommended the granting of pensions to the Texas veterans who need aid for their support. In doing so I omitted to notice section 52, article 3 of the Constitution of 1876, which prevents the Legislature from doing what has been done on that subject in Texas from the early days of the Republic to 1879: the granting of pensions to the unfortunate persons who have done valuable military service for their country. It is with regret that I now call the attention of the Legislature to that section, by which the long settled policy of the State has recently been changed, and I respectfully withdraw my said recommendation.

Respectfully submitted,

O. M. ROBERTS, Governor.

Senator Terrell moved to adjourn till 9:30 a. m. tomorrow. Adopted, and Senate adjourned by the following vote:

YEAS—16.

| | | |
|------------|------------|----------|
| Brown, | Lightfoot, | Shannon, |
| Buchanan, | McLane, | Stewart, |
| Davenport, | McDonald, | Swain, |
| Duncan, | Moore, | Terrell, |
| Gooch, | Patton, | Wynne. |
| Houston, | | |

NAYS—11.

| | | |
|------------|---------|------------|
| Burton, | Lair, | Stubbs, |
| Davis, | Martin, | Tilson, |
| Harris, | Rainey, | Wetherred. |
| Hightower, | Ross, | |

FIFTEENTH DAY.

SENATE CHAMBER,
AUSTIN, April 22, 1882.

Senate met pursuant to adjournment.

The President in the chair.

Roll called; quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Stewart, the reading of the journal of yesterday was dispensed with.

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The President signed Senate bill No. 43, "An act to repeal all laws granting lands or land certificates to any person, firm, corporation or company for the construction of railroads, canals or ditches."

Senator Stewart, for committee on memorials in honor of deceased Senators, submitted the following privileged report:

COMMITTEE ROOM,
AUSTIN, April 22, 1882.

Hon. L. J. Storey, President of the Senate:

Your committee appointed to draft suitable resolutions commemorative of the Senators deceased since the adjournment of the regular session of the Seventeenth Legislature, beg leave to submit the following, and recommend their adoption.

STEWART, for Committee.

Since the adjournment of the Seventeenth Legislature death has invaded this chamber and laid low three Senators, alike distinguished for their usefulness, esteemed for their patriotism, trusted for their fidelity, and loved for their virtues. To-day we meet to pay tribute to their memories by laying votive offerings upon the altar of friendship. With sad and aching hearts, we gladly appropriate the opportunity to perpetuate, by the legislative records of Texas, the worth of these, her late distinguished citizens. Instant as they were with sentiments of loftiest patriotism, we honor ourselves in honoring them, and with tender hands place wreaths of immortelles upon the mounds which mark their last resting places in the silent cities of the dead; for, though gone, their deeds will live after them, and will be victorious even over the silence of the tomb, and in after years grateful hearts will hush their praises and enshrine their illustrious memories.

In contemplation of the fact that within the short space of a few fleeting months, they have been called hence, and that now the places which once knew them shall know them no more forever, how true the declaration of Edmund Burke, "What shadows we are, and what shadows we pursue."

And, dwelling upon the fruition of usefulness to the State in the positions of honor and trust which had been and were held by them, how complete the verification that

"Pallida mors aequo pulsat pede pauperum tabernas
Regumque turres."

In casting our eye over this body, first in the order of seats as in the order of age, we miss the venerable form of the Hon. Stephen Powers, Senator from the Twenty-ninth Senatorial District. A native of the State of Maine, when the tocsin of war was sounded which signalized the commencement of hostilities between this country and the Republic of Mexico, he promptly responded and became a lieutenant of the line in the army of Gen. Zachary Taylor. After the war was over he settled in Brownsville, Texas, soon assuming a front rank in the profession of his choice—the law—and for thirty years was a leader among men in western Texas. In the various offices, National and State, as *charge d'affaires* to Switzerland and collector of the port of Brazos de Santiago, as judge of one of the district courts of the State, for many sessions a member of the Legislature, first as a Representative, and then finally as Senator, he came up to the full measure of his duty as a patriot and statesman, receiving the approbation of his constituents, as we feel he has the plaudit of the Judge of all the earth of "Well done, thou good and faithful servant." Dying at the ripe age of sixty-seven, he has descended to the tomb full of years and full of honors, and as a shock of corn ripe for the harvest has been safely garnered into the great store-house and gathered to his fathers.

Back of him, and with but one seat intervening sat the Hon. John T. Buchanan, of Grimes. Born in Harris county, Georgia, April 14, 1852, he had not attained his thirtieth year when he received the summons which called him hence. After proper preparation he entered the University of Georgia and graduated with distinction in the class of 1873. And while we would not please the living by flattering the dead, it is not too much to say that his life full promise gave earnest of the fact that had it been spared, he would have added another name to the long list of illustrious alumni who have gone forth from that venerable institution. Gifted with a high order of intellect, brilliant and yet solid, his mind well stored with information as it was adorned by culture, he had already attained an enviable reputation, both as a lawyer and an advocate, and bade fair ere long to stand in the front ranks of the jurists and statesmen of Texas. But he, too, has been cut-down; and bowing to the dispensation of Providence, we can only add a leaflet to the wreath of laurel which perpetuates his virtues, contenting ourselves, in common with the hosts of friends to whom he was endeared by obligations the strongest which bind man to man, with the reflection that he

"Who is too wise to err, too good to be unkind,
Doeth all things well."

Another seat on the same side of the Senate and in the same line has a new occupant, for we are likewise called to deplore the death of the Hon. J. M. Martin, of Cooke. Born within the very shadow of Cumberland University, located at Lebanon, Tennessee, of which he afterwards became a graduate, he seemed to have caught the inspiration of its culture; for from youth to manhood he was devoted to letters, and distinguished for his accurate acquaintance with the classics of the ancients, no less than with the literature of our own language. As a member of the House of Representatives of the Fifteenth Legislature, and as Senator of the Seventeenth, he in both bodies took a leading position in advocacy of all measures which looked to a development of Texas and her resources, and stamped the impress of his intellect upon the laws which were then enacted. Quick to perceive, clear in analysis, a writer of the purest English, his loss to the State can only be estimated by the measure of his promised usefulness. Bred to the profession of the law (he some years since left the *forum* for the *sanctum*) and as an editor of one of the leading papers of the State, wielded great influence in shaping public policy upon such questions as affected its weal or woe. He, too, died at the very threshold of a life of usefulness, and Texas, in common with ourselves, mourns him as one of the most promising of those who had cast his fortunes within her borders. Gentle as a woman, yet heroic, of "the bravest, yet of the tenderest," he sleeps his last sleep in the home of his native land, where loving hands will plant the cypress and the rose around his grave, while his spirit freed from the corruptions of the clay, and clad in the garb of the immortal and the incorruptible, basks in the sunshine of a Savior's love, and is at peace forever.

Missing as we do the departed Senators from our daily associations of friendly intercourse and legislative work; deploring their loss to the State, and profoundly sympathizing with the bereaved, it is meet and proper that we should pause and pay tribute to their memories; therefore, be it

Resolved, 1. That in the deaths of the Hon. Stephen Powers, Jno. T. Buchanan and J. M. Martin, the Senate of Texas has lost three of its most useful and distinguished members, and the State three of its most devoted citizens.

Resolved, 2. That we who met them in the arena of debate bear testimony to the fact that while their opinions were ever advocated with the earnestness which betokened sincerity, and with the boldness which becomes freemen, yet they were always tempered with that courtesy which denoted the gentleman.

Resolved, 3. That as patriots, citizens and associates, we deeply deplore their loss, as we are sensible of their usefulness to the State, their worth as men, and their value as friends.

Resolved, 4. That to each of the families bereaved by this dispensation, we, the Senate of Texas, tender our profoundest sympathy, and as they bow beneath the rod, commend them to the Heavenly Healer, who has a balm for every wound and who by the promises of His word, has assured us that though sorrow endureth for the night joy cometh in the morning.

Resolved, 5. That a copy of this preamble and these resolutions be spread upon, and printed in the journals of the Senate, be properly transcribed and signed, and forwarded, under the certificate of the Secretary, to each of the families of the deceased.

Resolved, 6. That as a further mark of respect for the deceased, the Senate do now stand adjourned until Monday, the twenty-fourth instant, at 9:30 a. m.

Senator Houston offered the following resolution:

WHEREAS, By the inscrutable providence of Almighty God, death has taken from our midst, since the adjournment of the regular session of the Seventeenth Legislature, our venerable, eloquent and highly esteemed Chaplain, the Rev. F. W. Wilkes, D. D.; therefore,

Be it resolved, That we do sincerely mourn the loss to this body, to society, and to the State, of this gallant soldier, eminent scholar and devout Christian divine, who has left the impress of his noble character upon the people of this State, and whose memory will long be cherished by the members of this body and by all Texans who knew him.

That we tender our unfeigned sympathy to his stricken household, and that these resolutions be spread upon the journals of the Senate, and a copy be sent to the bereaved family.

(Senator Lair in the chair.)

The Senate unanimously adopted the resolutions by aye and no vote, and Senate adjourned to 9:30 a. m. Monday.

SIXTEENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, April 24, 1882. }

Senate met pursuant to adjournment.

Senator Martin in the chair.

Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator McLane, the reading of the journals of last Saturday, the twenty-second instant, was dispensed with.

Substitute for House bills Nos. 1, 5, 36 and 41, "An act to apportion the State of Texas into congressional districts," being special order for this hour, was taken up. Bill, with committee report and amendments, read second time:

Senator Houston moved to postpone bill till 11:30 a. m. Lost by the following vote:

YEAS—13.

| | | |
|------------|-----------|-------------|
| Brown, | Martin, | Stubbs, |
| Burton, | McDonald, | Swain, |
| Homan, | Rainey, | Terrell, |
| Houston, | Stewart, | Weatherred, |
| Lightfoot, | | |

NAYS—15.

| | | |
|------------|------------|---------|
| Buchanan, | Gooch, | Moore, |
| Burges, | Harris, | Patton, |
| Davenport, | Hightower, | Ross, |
| Davis, | Lair, | Tilson, |
| Duncan, | McLane, | Wynne. |

Senator Houston moved a call of the Senate. Call seconded.

Roll called. Absent, Senator Shannon.

Senator Davenport moved to excuse Senator Shannon. The Senate refused to excuse by the following vote:

YEAS—16.

| | | |
|------------|------------|---------|
| Buchanan, | Harris, | Moore, |
| Burges, | Hightower, | Patton, |
| Davenport, | Lair, | Ross, |
| Davis, | McLane, | Swain, |
| Duncan, | McDonald, | Tilson. |
| Gooch, | | |

NAYS—12.

| | | |
|----------|------------|-------------|
| Brown, | Lightfoot, | Stubbs, |
| Burton, | Martin, | Terrell, |
| Homan, | Rainey, | Weatherred, |
| Houston, | Stewart, | Wynne. |

The Senate failing to excuse the absent Senator, the bill went to the table.

Senate bill No. 36, "An act to provide annual pensions to surviving soldiers and volunteers in the war between Texas and Mexico, from the commencement of the revolution in 1835 until the first of January, 1837; and also to the surviving signers of the Declaration of Independence of Texas; and to the surviving widows continuing unmarried of such soldiers, volunteers and signers," on its second reading, was taken up. Read second time, with majority and minority reports.

Senator Stewart moved to substitute minority report for majority report.

Message received from the House announcing the passage by that body of the following bills: Senate bill No. 38, "An act to provide temporary shelter for the lunatics in the asylum rendered necessary by the recent burning of one of the Lunatic Asylum buildings."

Also, Senate bill 39, "An act to authorize district judges to fix times for holding district courts in newly organized counties."

Also, House bill No. 27, "An act to provide for the publication and binding of one thousand copies of the Revised Statutes, Penal Code and Code of Criminal Procedure of the State of Texas, with the Constitution and the appendix thereto, and to make an appropriation therefor."

Also, House bill No. 51, "An act to amend articles 4662, 4664 and 4665, chapter 1, title 95 of the Revised Statutes, as amended March 24, 1881."

The chair gave notice that the Senate was full and substitute for House bills Nos. 1, 5, 36 and 41 was resumed, with the committee amendments pending.